REMARKS

Claims 1-16 are pending. In the Final Office Action of October 15, 2008, claims 1-14 and 16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Mullen et al. (US 2003/0140141 A1) ("Mullen"). Claim 15 was rejected under 36 U.S.C. § 103(a) as being unpatentable over Mullen. The Applicants respectfully traverse the rejections and request reconsideration in view of the following remarks.

I. INTERVIEW SUMMARY

On December 9, 2008, a telephonic interview was conducted between the undersigned and Examiners Ryan Jakovac and Azizul Choudhury. During the interview, the claimed limitations directed to the automated identification and configuration of devices for communications were discussed. The Examiner suggested amending the claims to indicate that the claimed device automatically configures itself to communicate with other identified devices when it has not been previously configured as such.

II. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-14 and 16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Mullen. With this response, claims 1, 7, 12 and 16 have been amended for clarity and not for reasons relating to patentability. No new matter has been added.

Independent claims 1, 7, 12 and 16, as amended, are set forth above.

Mullen discloses "[s]ystems and methods for enabling universal remote access and display of diagnostic images acquired by diagnostic imaging equipment, independent of the identity of the vendor that manufactured the equipment. One system includes a local area network; a scanner capable of sending objects formatted in accordance with a communications protocol, each object incorporating at least one image frame; and a data capture device connected to the local area network and programmed with data capture software to capture an object originating from the scanner in response to that scanner being specified as an object of diagnosis. This system further includes a communications channel, e.g., a virtual private network, for connecting the data capture device to a central service facility. The preferred communications protocol is DICOM. In response to an instruction from the service center, the data capture device

on the LAN captures image files from a malfunctioning scanner and forwards them to the service center for diagnosis" *See* Mullen, Abstract.

Mullen fails to disclose at least "configuring, automatically, said first device to communicate substantially directly with said second device via said network when said first device is not already configured to communicate with said second device" as claimed in claim 1; "configuration logic coupled with said identification logic and operative to automatically configure said first diagnostic medical imaging device to communicate with said other diagnostic medical imaging devices which at least one of respond and identify themselves when said first diagnostic medical imaging device is not already configured to communicate with said other diagnostic medical imaging devices which at least one of respond and identify themselves" as claimed in claim 7; "each of said plurality of diagnostic medical imaging devices being operative to automatically discover at least one other of said plurality of diagnostic medical imaging devices via said network, automatically configure itself to communicate with any of the discovered at least one other of said plurality of diagnostic medical imaging devices, and facilitate communications therebetween" as claimed in claim 12; or "wherein each of said plurality of diagnostic medical imaging devices comprises means for automatically discovering at least one other of said plurality of diagnostic medical imaging devices via said network, automatically configuring itself to communicate with any of the discovered at least one other of said plurality of diagnostic medical imaging devices, and facilitating communications therebetween" as claimed in claim 16.

Mullen discloses instead:

> In addition to storing images internally, modern imaging systems need to be able to transfer images to various types of remote devices via a communications network. To successfully transfer images, *the relevant networking features of the scanner must be compatible with the networking features of the destination remote device. See* Mullen, para. 5 (emphasis added).

> In order to accomplish image transfer, the imaging system must know the configuration of the destination remote device prior to attempting to communicate with that device. *The configuration data for the destination remote device is typically inputted to the scanner during software installation by a field engineer*, although the DICOM network can be configured at any time. When the scanner receives an instruction to transmit data to a particular remote device from the system operator, the scanner software converts the image data to be transferred into the DICOM format required by the destination remote device, based on the configuration data for that device stored in the imaging system memory. The scanner also sends a request over the network to the destination remote

device to open an association, i.e., to connect the scanner to the destination remote device. If the remote device responds in the affirmative, the scanner and remote device then agree on which device will act as the server and which as the client. The scanner also selects the appropriate encoding syntax from those accepted by the remote device. Other communication parameters are also negotiated. *See* Mullen, para. 7 (emphasis added).

The scanner shown in FIG. 1 is designed to communicate with a configured remote device *only if that device has been "activated". Activation causes the DICOM presets manager 30 to configure one of a multiplicity of DICOM tasks 40 in accordance with configuration data entered into the system for the associated remote device.* That particular DICOM task will thereafter remain configured for that type of remote device until reconfigured for a different device. Other DICOM tasks are configured for other remote devices. *See* Mullen, para. 28 (emphasis added).

In particular, a scanner can be configured to communicate with a DICOM-compatible computerized data capture device 52 connected to LAN 50. The data capture device 52 has a DICOM interface 54 that enables it to send and receive DICOM objects to and from the LAN 50. *See* Mullen, para. 34.

In particular, as shown by the excerpts above, Mullen merely discloses known manual configuration techniques for DICOM-compatible devices. Further, as Mullen is focused on sniffing or otherwise intercepting DICOM network communications for the purpose of diagnosing device failures, device-to-device configuration is largely ignored.

The Examiner, without specificity, argues that the following paragraph of Mullen discloses Applicants' claims:

The web server 76 may transmit and receive data to and from the scanners 64 via the network 74, and to and from the central service facility 66 through a firewall 78, particularly with a Point-to-Point Protocol (PPP). Firewall 78 may include any of various known security devices for preventing access to central service facility 66 except by recognized subscribers and other users. Central service facility 66 includes one or more central computers 68 which coordinate data exchange between the scanners 64 and service support workstations 70 at the central service facility. Workstations 70 may, in turn, be staffed by service personnel. Computer 68 may also be coupled for data exchange with one or more servers 72 at the central service facility. Moreover, computer 68 or other devices at the central service facility 66 may be coupled or configured to be coupled to other internal or external networks, such as for exchanging data with database 82 through an additional firewall 80. In the presently preferred configuration, database 82 may be local to or remote from the central service facility 66, and may contain data relating to the service history of particular scanners, families of scanners, and the like. Such data is compiled over time by transmission from computer 68, and is subsequently accessible by computer 68. *See* Mullen, para. 43.

However, contrary to the Examiner's assertions, the above excerpt generally describes the logical arrangement of devices in the disclosed network but fails to disclose any methodologies by which devices may be configured to communicate with other devices over a network as claimed.

For at least these reasons, claims 1, 7, 12 and 16 are not anticipated, nor are they rendered obvious, by Mullen. Applicants therefore request that the Examiner withdraw this rejection of these claims.

Claims 2-6, 8-11 and 13-14 depend from claims 1, 7 and 12 and are therefore allowable for the reasons set forth above with regard to these claims. Accordingly, Applicants request that the Examiner withdraw the rejections of claims 2-6, 8-11 and 13-14.

III. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mullen. Claim 15 depends from claim 12 and is therefore allowable for the reasons set forth above with regard to this claim. Accordingly, Applicants request that the Examiner withdraw this rejection of claim 15.

CONCLUSION

Each of the rejections in the Final Office Action October 15, 2008 has been addressed and no new matter has been added. The Applicant submits that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

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